

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	No. 04 C 4138
v.)	
)	Judge George M. Marovich
)	
WILLIAM LERCH,)	
)	
Defendant.)	

MEMORANDUM OPINION AND ORDER

Defendant William Lerch (“Lerch”) and plaintiff the United States of America (“US” or the “government”) have filed an agreed motion to approve the settlement between them. For the reasons set forth below, the Court grants the motion.

I. Discussion

The United States originally filed this suit against Lerch, Stephen Pedi (“Pedi”) and Capital Tax Corporation (“Capital Tax”) in an attempt to recover response costs under CERCLA, 42 U.S.C. §§ 9607 & 9608. On August 1, 2007, on plaintiff’s motion for summary judgment, the Court ruled that defendants Lerch and Capital Tax were jointly and severally liable to the United States in the amount of \$2,681,337.79. Six weeks later, on September 18, 2007, the Court entered a consent decree, pursuant to which defendant Pedi agreed to pay the United States \$330,000.00. This reduced the amount for which Lerch and Capital Tax were jointly and severally liable. The same day, the Court entered final judgment against Lerch and Capital Tax, jointly and severally, in the amount of \$2,351,337.79. In addition, Lerch was liable for a civil fine of \$220,100.00 and a penalty of \$23,100.00.

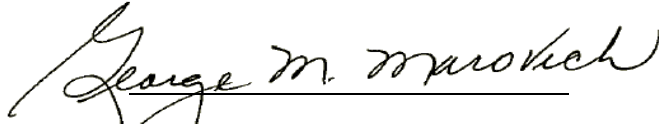
In the meantime, the government has collected some of the judgment. For example, after an appeal, the government entered a consent decree with Capital Tax (and defendant Mervyn Dukatt, who had, by that time, been added as a defendant to the case). They agreed to pay \$325,000.00, thereby reducing by \$325,000.00 the amount for which Lerch was jointly and severally liable. In addition, the United States has recovered \$113,488.00 from Lerch.

The parties agree that the amount Lerch currently owes on the judgment is \$2,199,791.53. The parties, who have already engaged in significant post-judgment enforcement proceedings, have agreed to settle for \$350,000.00. Lerch and the government ask the Court to approve their settlement, which would mean Lerch would not be liable for contribution with respect to matters in the settlement. 42 U.S.C. § 9613(f)(2) (“A person who has resolved its liability to the United States or a State in an administrative or judicially approved settlement shall not be liable for claims for contribution regarding matters addressed in the settlement.”). The amount Lerch has agreed to pay is consistent with what the other parties contributed, and the Court approves the settlement.

II. Conclusion

For the reasons set forth above, the Court grants the motion [601] to approve the settlement and hereby approves the settlement.

ENTER:



George M. Marovich
United States District Judge

DATED: July 16, 2015